

IN RE: PETITION FOR ZONING VARIANCE
SM/S Forest Valley Road, 362'E
Roger Valley Court
(3948 & 3950 Forest Valley Rd)
9th Election District
4th Councilmanic District
Cromwell Station Joint Venture
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-202A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1801.2.C.1 to permit building separation of 30' in lieu of the required 40' for building heights between 30 and 40 feet for lots nos. 84 and 85 Cromwell Station, section 1, and from Section 1801.2.C.2.b to permit a distance between facing windows of 30' in lieu of the required 40' and an amendment to the partial development plan of Section I of Cromwell Station, as more particularly described on Petitioner's Exhibits 1 and 2.

The Petitioners were supported in their testimony by Mr. Thomas E. Carski, General Partner, and represented by Irwin M. Sussman, Esquire. The Petitioners were also supported by the testimony given by Mr. Sam Shockley, Registered Land Surveyor, who prepared Petitioners' Exhibits 1 and 2. There were no Protestants.

Testimony and evidence presented indicates that the Petitioners seek the requisite variances between two end of group town houses as indicated on Petitioners' Exhibit 2. The two lots in question are known as lots 84 and 85 and the distance for building heights and separation requirements between these two buildings has been created by the uniqueness of the subject lots and the topography of the location. The evidence tends to establish that a hardship and/or practical difficulty would exist if the

Petitioners were not permitted to construct these units on these particular lots and if the established building pattern was altered by denying the available window treatments on both building units.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

-2-

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of January, 1989 that the Petition for Zoning Variance from Section 1801.2.C.1 to permit building separation of 30' in lieu of the required 40' for building heights between 30 and 40 feet for lots nos. 84 and 85 Cromwell Station, Section 1, and from Section 1801.2.C.2.b to permit a distance between facing windows of 30' in lieu of the required 40' and an amendment to the partial development plan of Section I of Cromwell Station, as more particularly described on Petitioner's Exhibits 1 and 2, be and the same is hereby GRANTED subject to the following restriction:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

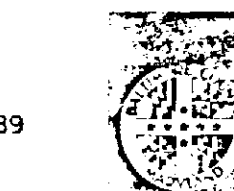
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Peoples Counsel
Mr. Thomas E. Carski, General Partner, Cromwell Station Joint Venture, 514 Hampton Lane, Towson, Maryland 21204
Mr. Sam Shockley, 6603 York Road, Baltimore, Maryland 21212

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

January 3, 1989



Dennis F. Rasmussen
County Executive

Irwin M. Sussman, Esquire, P.A.
Suite 408, Chesapeake Center
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case No. 89-202A
Cromwell Station Joint Venture, Petitioner

Gentlemen:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-1391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:mmn
att:
cc: Peoples Counsel

Venture, 514 Hampton Lane, Towson, Maryland 21204
Mr. Sam Shockley, 6603 York Road, Baltimore, Maryland 21212

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.1 TO PERMIT BUILDING SEPARATION OF 30' IN LIEU OF THE REQUIRED 40' FOR BUILDING HEIGHTS BETWEEN 30 AND 40 FEET FOR LOTS NOS. 84 AND 85 CROMWELL STATION - SECTION 1, AND DISTANCE BETWEEN FACING WINDOWS OF 30' IN LIEU OF THE REQUIRED 40' AND AN AMENDMENT TO THE PARTIAL DEVELOPMENT PLAN OF SECTION I OF CROMWELL STATION, as more particularly described on Petitioner's Exhibits 1 and 2, be and the same is hereby GRANTED subject to the following reasons: (Indicate hardship or practical difficulty)

- 1) END OF GROUP TOWNHOUSES REDUCTION IN WIDTH WOULD BE IMPRACTICAL FOR BUILDER.
- 2) HEIGHT REDUCTION IN PROPOSED UNITS WOULD BE IMPRACTICAL FOR BUILDER MAXIMUM UNIT HEIGHT = 32.5'.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
IRWIN M. SUSSMAN, P.A.
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: (301) 823-2220

Legal Owner(s):
CROMWELL STATION JOINT VENTURE
C/O CROMWELL HOMES, INC.
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contact purchaser or representative to be contacted
STEVEN L. FADER, FADER
DEVELOPMENT ENGINEERING CONSULTANTS, INC.
Name
6603 YORK ROAD
BALTIMORE, MD. 21212 (301) 377-2600
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of January, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of December, 1988, at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING: 1/2 hr. + 1 hr.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER (over)

Development Engineering Consultants, Inc.
Site Engineers & Surveyors

DESCRIPTION TO ACCOMPANY
ZONING VARIANCE REQUEST

OUTLINE DESCRIPTION OF LOTS #84 & 85 OF CROMWELL STATION, SECTION #1 ALSO BEING KNOWN AS #3948 AND #3950 FOREST VALLEY ROAD LOCATED IN THE 9TH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND.

Beginning for the same at a point on the Southeastern-most corner of Lot No. 84, said point being 362 ± feet from the centerline of Roger Valley Court as measured along the right-of-way line of Forest Valley Road, thence running for the following courses and distances viz:

- (1) South 63 degrees 13 minutes 30 seconds West, 118.63 feet; (2) North 26 degrees 46 minutes 33 seconds West, 15.91 feet; (3) North 70 degrees 38 minutes 13 seconds West, 29.37 feet; (4) North 35 degrees 03' minutes 00 seconds East, 109.20 feet; (5) Along a curve to the right having a radius of 305.90 feet for a length of 98.83 feet to the point of beginning. Containing 0.1760 acres of land, more or less.

Being the same parcel(s) as recorded as "Section 1, Plat II Cromwell Station", Lots #84 & 85, and recorded among the land records of Baltimore County, Maryland in Plat Book E.H.K., Jr. 52, Folio 99.

87-128
09-16-88

6603 York Road Baltimore, Maryland 21212 (301) 377-2600

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Date of Posting: 11/14/88
Posted for: Variance
Petitioner: Cromwell Station Joint Venture
Location of property: 514 Forest Valley Rd, Towson, Md. 21204
Location of Sign: 514 Forest Valley Rd, Towson, Md. 21204
Remarks: 700 duty on property of Petitioner
Posted by: [Signature]
Number of Signs: 1
Date of return: 11/14/88

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, for and on behalf of the Zoning Act and Regulations of Baltimore County, has received a petition for a Variance from Section 1801.2.C.1 to permit building separation of 30' in lieu of the required 40' for building heights between 30 and 40 feet for lots nos. 84 and 85 Cromwell Station, Section 1, and from Section 1801.2.C.2.b to permit a distance between facing windows of 30' in lieu of the required 40' and an amendment to the partial development plan of Section I of Cromwell Station, as more particularly described on Petitioner's Exhibits 1 and 2, be and the same is hereby GRANTED subject to the following restriction:

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 10, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 10, 1988.

THE TOWSON TIMES
THE JEFFERSONIAN,
S. Zebe Olson
Publisher

PO 05789
NY 120413
case 89-202-A
price 105.43

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

Date: 11-15-88

Cromwell Station Joint Venture
c/o Cromwell Homes, Inc.
514 Hampton Lane
Towson, Maryland 21204
ATTN: THOMAS E. CARSKI

RE: Petition for Zoning Variance
CASE NUMBER: 89-202-A
514 Forest Valley Road, 362' E Roger Valley Court
(3948 and 3950 Forest Valley Road)
9th Election District - 4th Councilmanic
Petitioner(s): Cromwell Station Joint Venture
HEARING SCHEDULED: FRIDAY, DECEMBER 2, 1988 at 2:00 p.m.

Gentlemen:
Please be advised that \$120.43 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 12-2-88 ACCOUNT: 1-01-215-00
AMOUNT: \$ 120.43
RECEIVED FROM: Cromwell Station
FOR: Petition & Advertising (89-202-A)
VALIDATION OR SIGNATURE OF CASHIER
JRH:SPD
cc: Irwin M. Sussman, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

October 18, 1988

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-202-A
54/5 Forest Valley Road, 362' E. of Roger Valley Court
(3648 and 3650 Forest Valley Road)
9th Election District - 4th Councilmanic
Petitioner(s): Cromwell Station Joint Venture
HEARING SCHEDULED: FRIDAY, DECEMBER 2, 1988 at 2:00 p.m.*

Variance to permit building separation of 30' in lieu of the required 40' for building heights between 30 and 40 feet for lots numbers 84 and 85 Cromwell Station, Section 1, and to permit a distance between facing windows of 30' in Section 1 of Cromwell Station.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. Thomas E. Caraki
Irwin M. Sussman, Esq.
Steven L. Fader
File

*NOTE:
IF PHASE II OF THE SNOW
EMERGENCY PLAN IS IN
EFFECT IN BALTIMORE
COUNTY BY 8:30 a.m.
ON THE DATE OF THE ABOVE
HEARING, SUCH HEARING
WILL BE POSTPONED AND
RE-SCHEDULED FOR THURSDAY, JANUARY
12, 1989. PLEASE TELE-
PHONE DOCKET CLERK AT
494-3391 TO CONFIRM
DATE.

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

October 3, 1988



Dennis F. Rasmussen
County Executive

Re: Property Owner: Cromwell Station Joint Venture

Location: SW/S Forest Valley Road, 362' E. of Roger Valley Court

Item No.: 118

Zoning Agenda: Meeting of 10/4/88

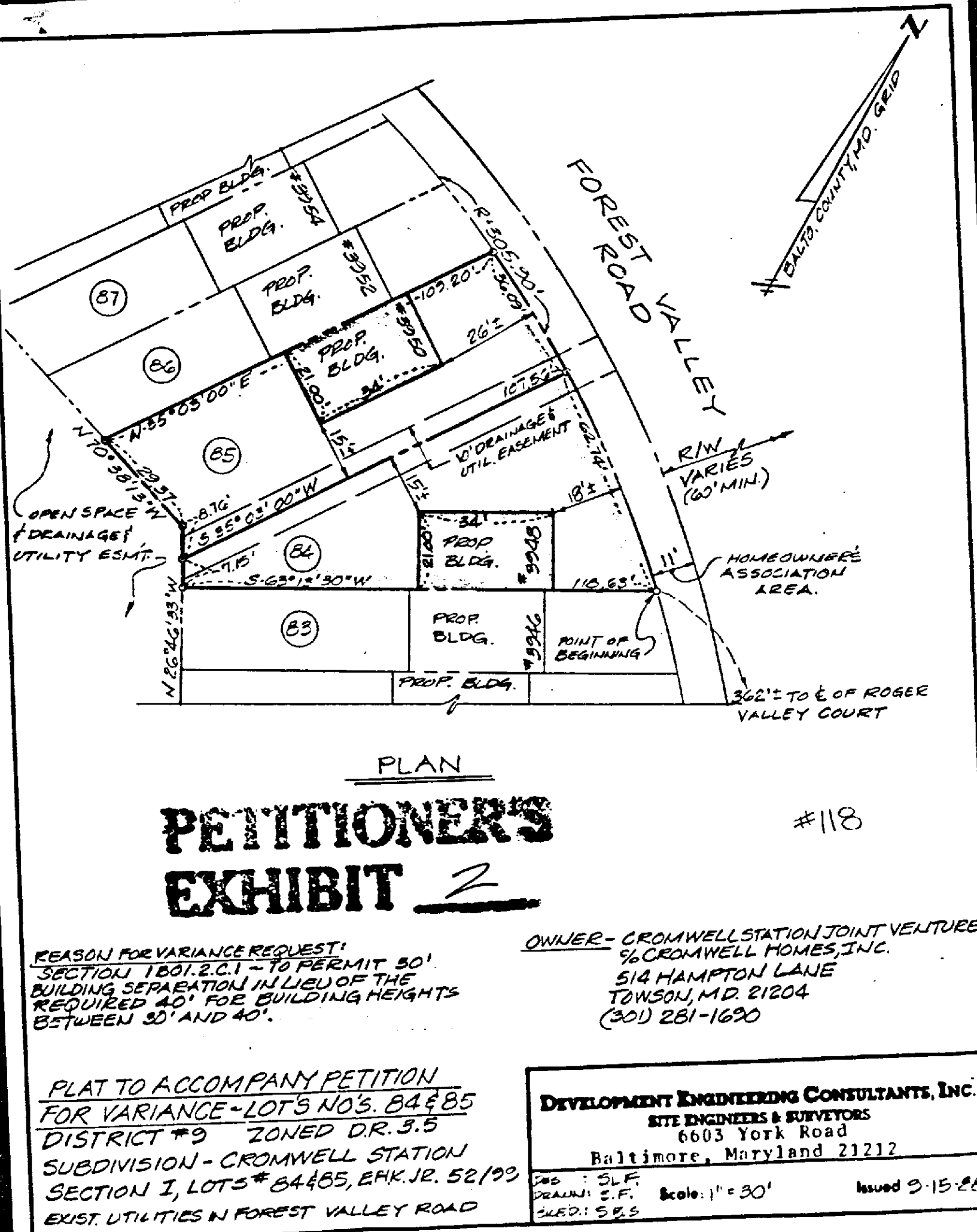
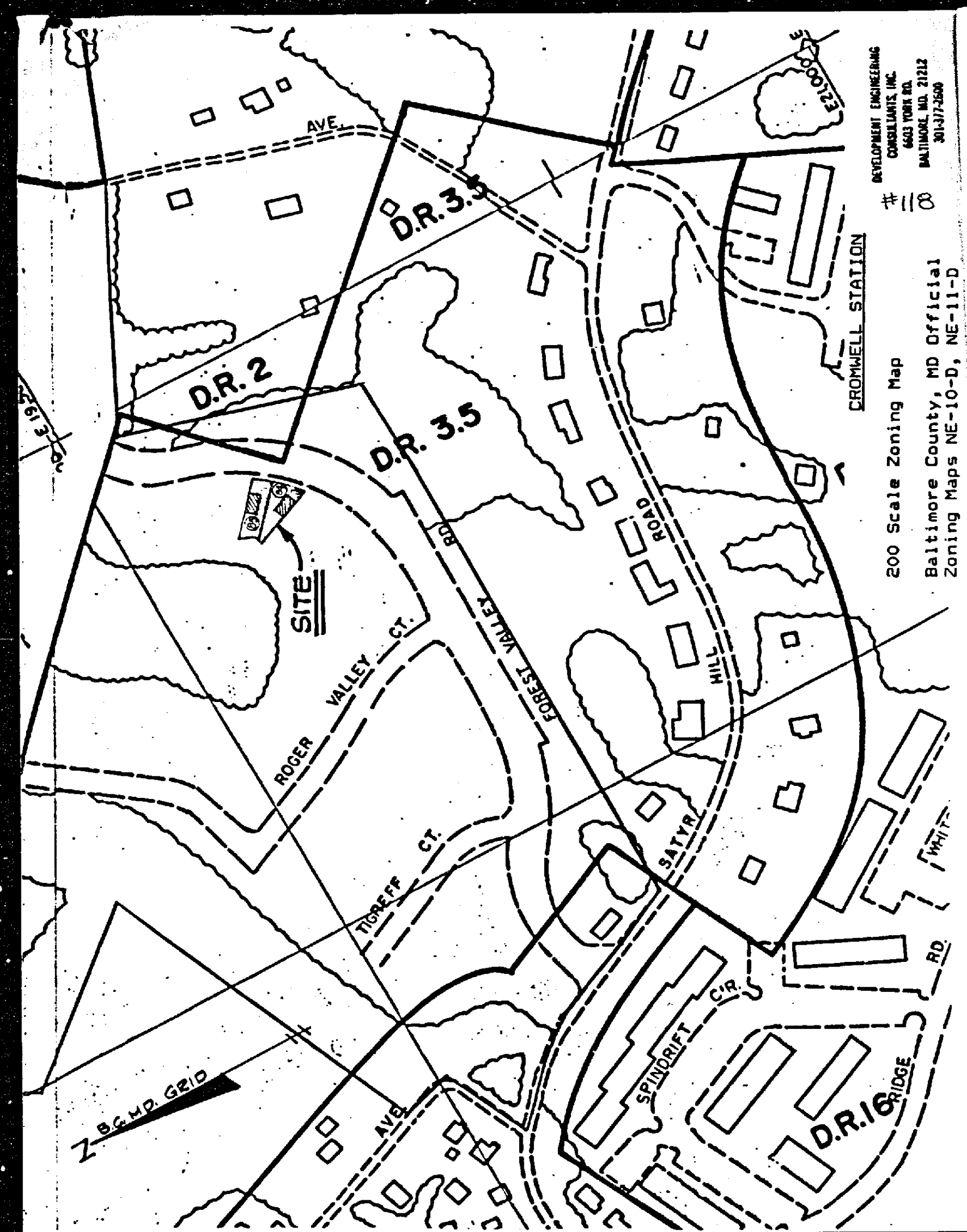
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: [Signature]
Planning Group
Special Inspection Division

Noted and
Approved: [Signature]
Fire Prevention Bureau



PETITIONER'S EXHIBIT 2

REASON FOR VARIANCE REQUEST:
SECTION 1001.201 - TO PERMIT 50' BUILDING SEPARATION IN LIEU OF THE REQUIRED 40' BUILDING SEPARATION BETWEEN 30' AND 40'.

OWNER - CROMWELL STATION JOINT VENTURE
% CROMWELL HOMES, INC.
514 HAMPTON LANE
TOWSON, MD 21204
(202) 251-1620

PLAT TO ACCOMPANY PETITION FOR VARIANCE - LOTS NOS. 84 & 85 DISTRICT #9 ZONED DR. 3.5 SUBDIVISION - CROMWELL STATION SECTION 1, LOTS 84 & 85, ERIK JR. 52193 EXIST. UTILITIES IN FOREST VALLEY ROAD

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 York Road
Baltimore, Maryland 21212
Scale: 1" = 30' Issued 2-15-88

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

October 28, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

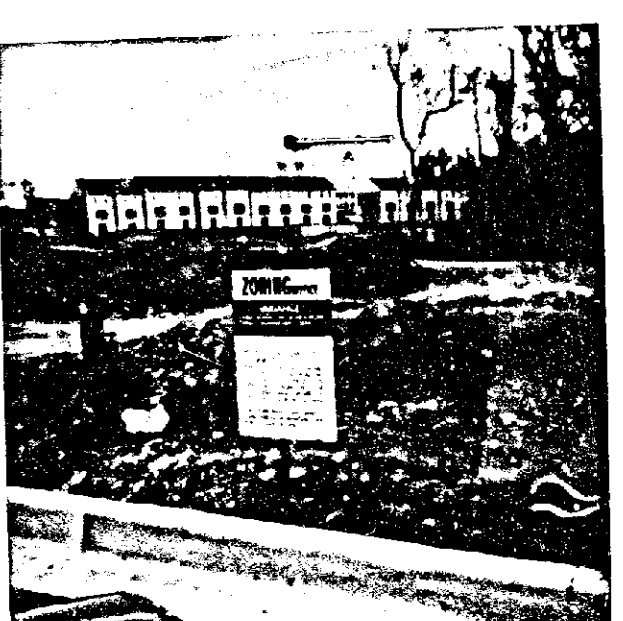
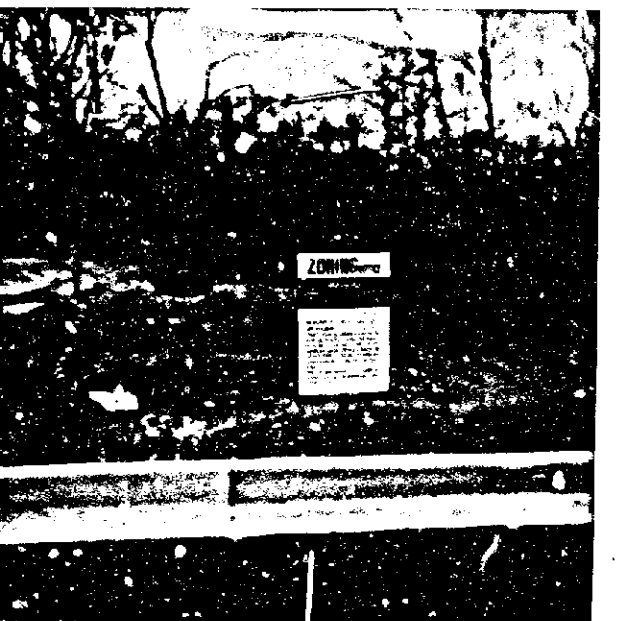
The Bureau of Traffic Engineering has no comments for items number 107, 112, 115, 116, 117, 118, 119, 120, 122, 123, 125, 126, and 127.

Very truly yours,

Michael S. Flanagan
Engineering Associate

MSF/LW

PETITIONER(S) EXHIBIT (3)



89-202-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this day of October, 1988.

J. Robert Haines
Zoning Commissioner

Petitioner: Cromwell Station Joint Venture
Petitioner's Attorney: [Signature]
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner

Date: November 29, 1988

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Petition Nos. 89-187-A (Ryan Homes); 89-188-A (Healy); 89-202-A (Cromwell Station Joint Venture); 89-205-A (Kavitski); 89-207-A (Milton); 89-211-A (Giv-GreenSpring Ave.); 89-212-A (Bollinger); 89-217-A (Sobryowski); 89-218-A (Yanchus); 89-228-A (Bosse); (89-230-A [Ray] and 89-231-A [Katruck] - located in Critical Area) and 89-235-A (Blevins)

The Office of Planning and Zoning has no comment on the proposed projects except as noted:

- All requests should be subject to the site plan as shown (use, size, location) and not uniformly applied to the lot. Any substantial deviation from the construction as shown will result in voiding of the approval.

PETITIONER(S) SIGN-IN SHEET

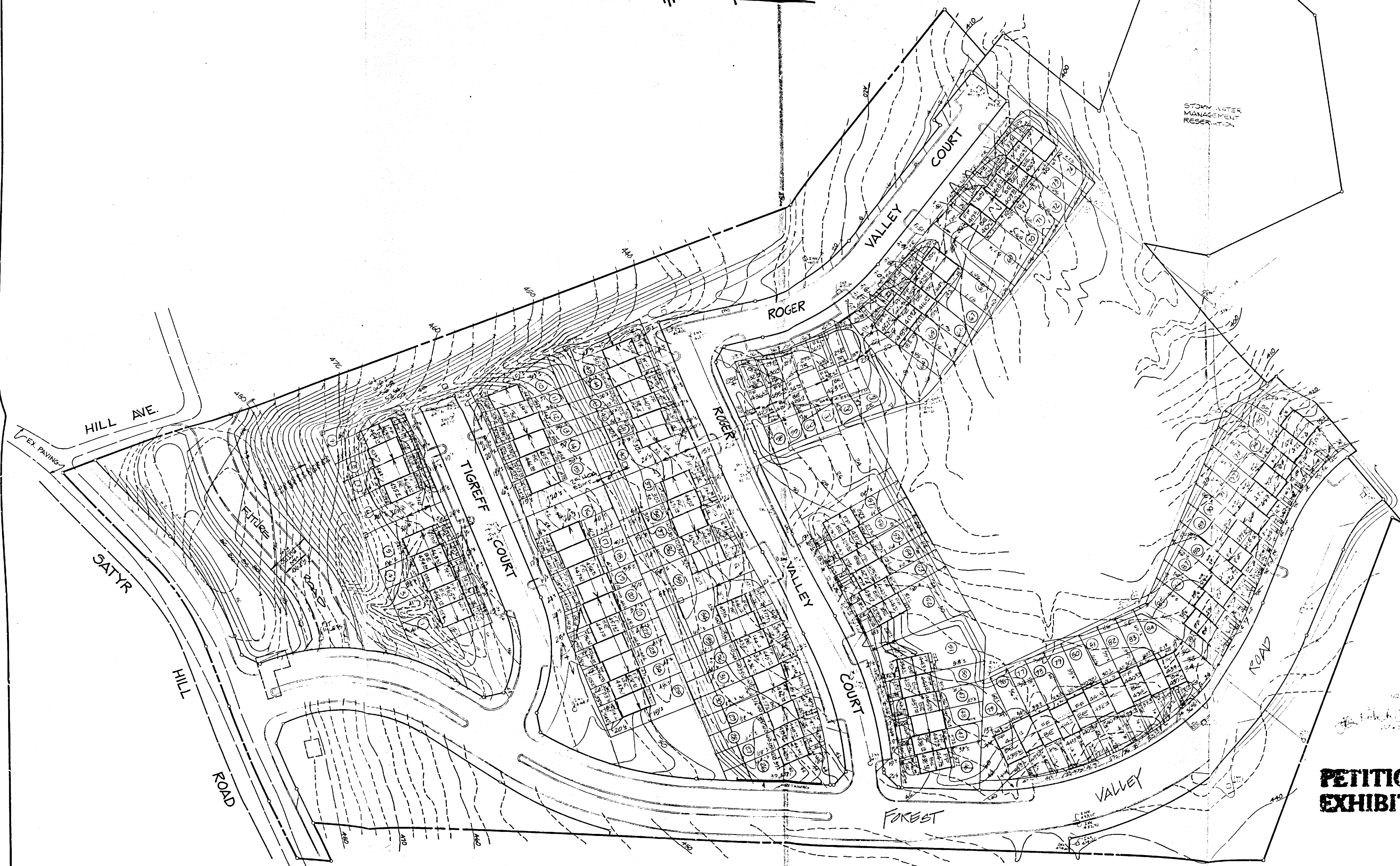
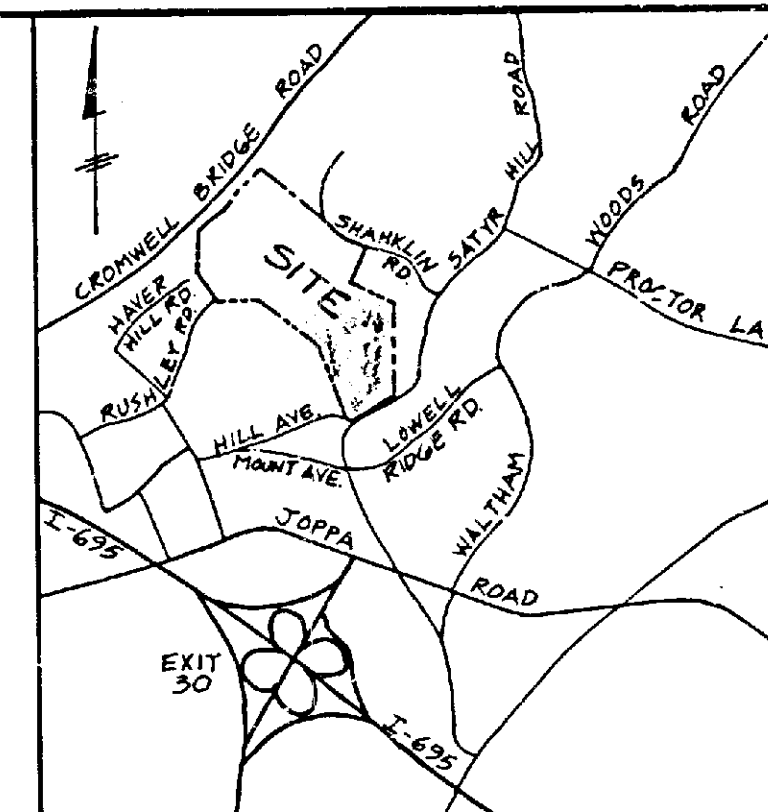
NAME	DEC	ADDRESS
Sam Shockey	DEC	6603 York Rd 21212
Tom Casco	DEC	514 HAMPTON LANE 21204

To whom it may concern.

This note is to inform the necessary County Agencies that the Cromwell, Coventry and Sutter Hill Community Association was notified by the Cromwell Station Joint Venture (Mr. Thomas Caraki, president) that a zoning variance regarding 1) side building windows and 2) distance between buildings was being sought after. As president of the Community Assoc and after reviewing this matter with the board members we found no objections to these 2 zoning variance requests.

Sincerely yours,
Curt Muehlart
President - Cromwell, Coventry and Sutter Hill Community Association

PETITIONER'S EXHIBIT 4



**PETITIONER'S
EXHIBIT 1**

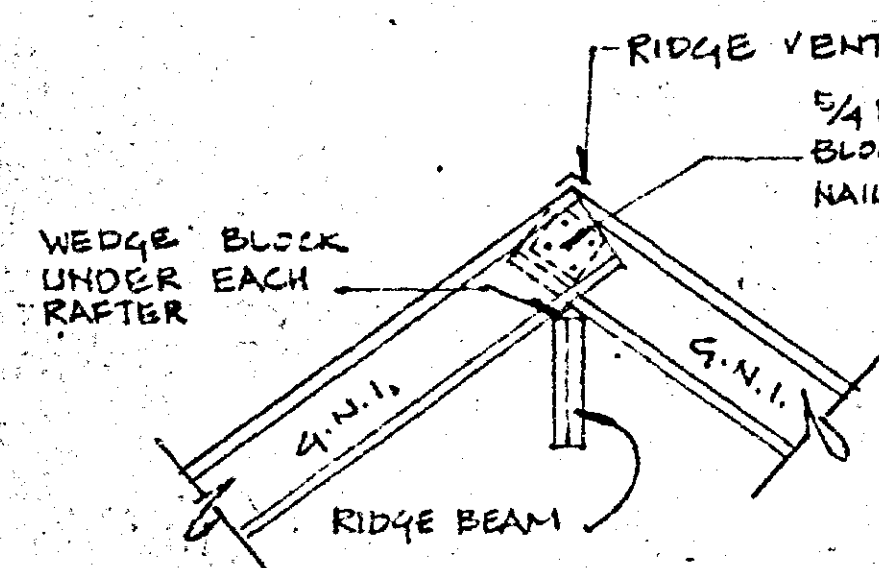
	7-21-88	MOVED HOUSES ON LOT 28-89 BACK TO EAST 2nd ST
	7-9-88	PRESENT VALLEY RD & ENTRANCE REMOVED
Drafting GAG	DATE	REVISIONS
Checked SPS	2-1-88	GIVE YARDS REAL YARDS AND "ETTERANCE" ROAD
Design REC.	5-11-88	WIDEN PAVED AND 42-01 W 7th
Checked SPS	7-9-88	NOTE ISLAND REVIEWED TO MATCH PD PLANS

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
BALTIMORE SITE ENGINEERS & SURVEYORS MARYLAND

EXECUTION DISTRICT 924 GRADING PLAN
CRANWELL STATION BALTIMORE CO., MARYLAND

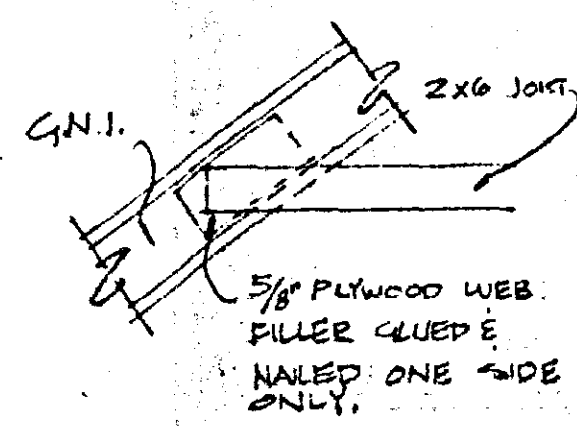
SHEET 1	DATE November 1987	CONTRACT NUMBER
OF 1	SCALE 1"=50'	87-103

SCALE: 1/4" = 1'-0"

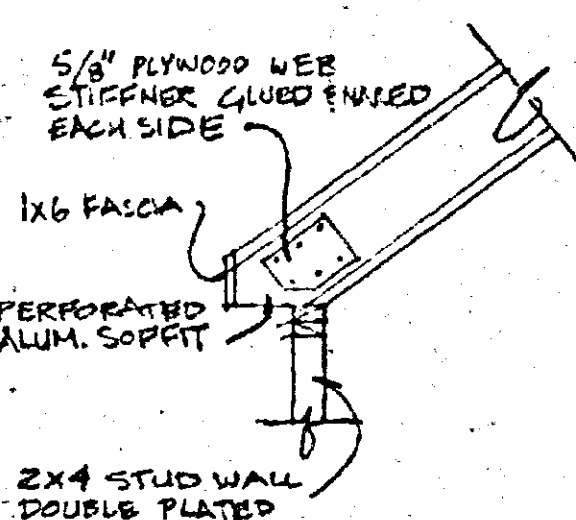


① GNI WEB CONNECTION
A5 AT HIP
N.T.S.

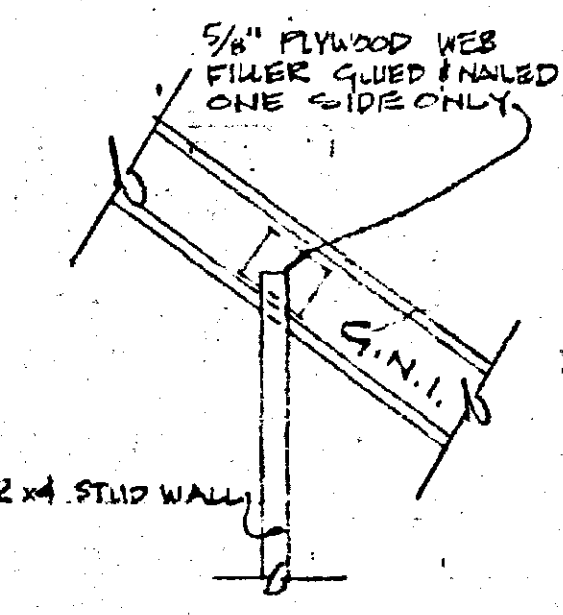
NOTE: SOLID BLOCKING BETWEEN CN
RAFTERS NOT REQUIRED FOR
LOADING.



2 LOFT CEILING
A.5 N.T.S.



③ FRONT & REAR
BEARING WALL
N.T.S.



4 REAR LOFT
A.5 PARTITION WALL
N.T.S.

SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

**PETITIONER'S
EXHIBIT 5**

THIS IS TO CERTIFY THAT THIS DRAWING
OR PLAN AND RELATED SPECIFICATIONS MEET
OR EXCEED THE VA AND EPA MINIMUM PROPERTY
STANDARDS AND ALL APPLICABLE LOCAL
ORDINANCES AND REGULATIONS.

~~_____~~
DONALD B. RATCLIFFE, AIA.

DONALD B. RATCLIFFE & ASSOC.
Architects and Planners
10404 Stevenson Road, Stevenson, Maryland 21153
484-7010

**CROMWELL STATION
TOWNHOUSES**
SATYR HILL ROAD
BALTIMORE COUNTY, MARYLAND

Sheet Title 2002 SECTIONS SIDE ELEVATION	
Drawn	JAME
Scale	$\frac{1}{4} = 100'$
Revised Δ 2-1-88 Date 3-13-87	
Drawing	
Sheet	5 of 5